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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

PAPER NUMBER

2154

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,975	Applicant(s) TAKABAYASHI ET AL.	
	Examiner ASHOK B. PATEL	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 6, 15 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-14, 16-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/16/08, 07/16/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 are subject to examination. Claims 6, 15 and 24 are cancelled.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7-10, 16-19 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Asano et al. (hereinafter Asano) (US 2002/0161918).

Referring to claim 1,

Asano teaches a device-to-device authentication system the system comprising:
means for holding a media access control address of a default gateway (Para. [0028]);
and

local environment management means for determining when a home network of a first device and a home network of a second device are the same home network by comparing a source media access control address to the media access control address

Art Unit: 2154

of the default gateway (Para. [0028], **Note:** For Asano, the Router 14 of Fig. 14 is the source of all destinations. Router as indicated in Fig. 19, that if the router is not the source then the packet is discarded. That is why the router compares the destination address to it's own address which is the source address).

Referring to claim 7,

Asano teaches a device-to-device authentication system the system comprising:

means for storing identification information identifying a home network of a first device and a home network of a second device (Para. [0028]); and

means for determining when the home network of the first device and the home network of the second device are the same home network by comparing the identification information identifying the home network of the first device to the identification information identifying the home network of the second device, wherein the home network of the first device and the home network of the second device are determined to be the same home network when the comparison determines the information identifying the home network of the first device and the identification information identifying the home network of the second device are the same. (Para. [0028], **Note:** For Asano, the Router 14 of Fig. 14 is the source of all destinations. Router as indicated in Fig. 19, that if the router is not the source then the packet is discarded. That is why the router compares the destination address to it's own address which is the source address).

Referring to claim 8,

Art Unit: 2154

Asano teaches a device-to-device authentication system according to claim 7, wherein the first device and the second device acquire a media access control address of a router set as a default gateway as the identification information identifying the home network of the first device and the second device (Para.[0028]); and

whether or not the home network of the first device and the home network of the second device are the same home network is determined based on whether or not the first device and the second device have the same media access control MAC address of the default gateway (Para. [0028], **Note:** For Asano, the Router 14 of Fig. 14 is the source of all destinations. Router as indicated in Fig. 19, that if the router is not the source then the packet is discarded. That is why the router compares the destination address to it's own address which is the source address).

Referring to claim 9,

Asano teaches device-to-device authentication system according to claim 7, further comprising:

a local environment management apparatus located on the home network of the first device and the home network of the second device for supplying the identification information (Para. [0028]);

wherein the first device and second device acquire a MAC, media access control address of the local environment management apparatus as identification information the home network; and wherein whether or not the home network of the first device and the home network of second device are the same home network is determined based on whether or not the first device and the second device have the same media access

Art Unit: 2154

control MAC, address of the same local environment management apparatus (Para.[0028], **Note:** For Asano, the Router 14 of Fig. 14 is the source of all destinations. Router as indicated in Fig. 19, that if the router is not the source then the packet is discarded. That is why the router compares the destination address to it's own address which is the source address).

Referring to claim 10,

Claim 10 is a claim to a method carried out by the system of claim 1. Therefore, claim 10 is rejected for the reasons set forth for claim 1.

Referring to claim 16,

Claim 16 is a claim to a method carried out by the system of claim 7. Therefore, claim 16 is rejected for the reasons set forth for claim 7.

Referring to claim 17,

Claim 17 is a claim to a method carried out by the system of claim 8. Therefore, claim 17 is rejected for the reasons set forth for claim 8.

Referring to claim 18,

Claim 18 is a claim to a method carried out by the system of claim 9. Therefore, claim 18 is rejected for the reasons set forth for claim 9.

Referring to claim 19,

Claim 19 is a claim to a communication apparatus of the system of claim 1. Therefore, claim 19 is rejected for the reasons set forth for claim 1.

Referring to claim 25,

Claim 25 is a claim to a communication apparatus of the system of claim 7.
Therefore, claim 25 is rejected for the reasons set forth for claim 7.

Referring to claim 26,

Claim 26 is a claim to a communication apparatus of the system of claim 8.
Therefore, claim 26 is rejected for the reasons set forth for claim 8.

Referring to claim 27,

Claim 27 is a claim to a communication apparatus of the system of claim 9.
Therefore, claim 27 is rejected for the reasons set forth for claim 9.

Referring to claim 28,

Asano teaches a computer-readable medium, storing a computer program for causing a processor to execute a method for providing content to a first device on a home network, the method comprising:

determining when the first device and a second device are both on the home network by comparing a source media access control address to a media access control address of a default gateway (Para.[0028]); and

providing content or issuing a license for the content to the first device by the second device if the first device and the second device are on same home network (Para. [0028], **Note:** For Asano, the Router 14 of Fig. 14 is the source of all destinations. Router as indicated in Fig. 19, that if the router is not the source then the packet is discarded. That is why the router compares the destination address to it's own address which is the source address).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2-5, 11-14 and 20-23 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Asano et al. (hereinafter Asano) (US 2002/0161918) in view of Applicant Admitted Prior Art (hereinafter AAPA)

Referring to claim 2,

Keeping in mind the teachings of Asano as being “wherein, in response to determining the devices are both on the same home network, Asano fails to teach device-to-device authentication system according to claim 1, devices wherein the first device is a home server for legitimately acquiring content, and the second device is a client for making a request for the content to the home server; and the home server provides the content or issues license for the content to the client.

AAPA teaches device-to-device authentication system according to claim 1, devices wherein the first device is a home server for legitimately acquiring content, and the second device is a client for making a request for the content to the home server; and the home server provides the content or issues license for the content to the client (Applicant’s Specification page 2).

Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Asano to the AAPA would have yielded

Art Unit: 2154

predicable results and resulted in an improved system, namely, a system that would provide for having one of the host being the home server serving it to the other home network host under the strict control being provided by the router 14 such as identifying the home network host wherein the router is the source of all destinations.

Referring to claim 3,

Keeping in mind the teachings of Asano as stated above for claim 1, Asano teaches “the client when it is determined to be on the same home network.”, Asano fails to teach the device-to-device authentication system according to claim 1, wherein the first device is one of two or more home servers installed on the home network of the first device; wherein the second device is a client; and wherein one or more of the two or more home servers can provide content or issue a license for the content.

AAPA teaches wherein the first device is one of two or more home servers installed on the home network of the first device; wherein the second device is a client; and wherein one or more of the two or more home servers can provide content or issue a license for the content (Applicant’s Specification page 2).

Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Asano to the AAPA would have yielded predicable results and resulted in an improved system, namely, a system that would provide for having one of the host being the home server serving it to the other home network host under the strict control being provided by the router 14 such as identifying the home network host wherein the router is the source of all destinations.

Referring to claim 4,

Art Unit: 2154

Keeping in mind the teachings of Asano as stated above for claim 1, Asano fails to teach the device-to-device authentication system according to claim 3, wherein the client is able to receive a provision of the content or issuance of the license for the content from one or more of the two or more home servers on the same home network.

AAPA teaches the device-to-device authentication system according to claim 3, wherein the client is able to receive a provision of the content or issuance of the license for the content from one or more of the two or more home servers on the same home network (Applicant's Specification page 2).

Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Asano to the AAPA would have yielded predictable results and resulted in an improved system, namely, a system that would provide for having one of the host being the home server serving it to the other home network host under the strict control being provided by the router 14 such as identifying the home network host wherein the router is the source of all destinations.

Referring to claim 5,

Keeping in mind the teachings of Asano as stated above for claim 3, Asano fails to teach device-to, device authentication system according to claim 3, wherein the client is able to use the content acquired from the two or more home servers on the same home network, and, upon connection to a home server on a second home network, the client is not able to use the content acquired from the two or more home servers on the same home network.

AAPA teaches wherein the client is able to use the content acquired from the two or more home servers on the same home network, and, upon connection to a home server on a second home network, the client is not able to use the content acquired from the two or more home servers on the same home network (Applicant's Specification page 2).

Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Asano to the AAPA would have yielded predictable results and resulted in an improved system, namely, a system that would provide for having one of the host being the home server serving it to the other home network host under the strict control being provided by the router 14 such as identifying the home network host wherein the router is the source of all destinations.

Referring to claim 11,

Claim 11 is a claim to a method carried out by the system of claim 2. Therefore, claim 11 is rejected for the reasons set forth for claim 2.

Referring to claim 12,

Claim 12 is a claim to a method carried out by the system of claim 3. Therefore, claim 12 is rejected for the reasons set forth for claim 3.

Referring to claim 13,

Claim 13 is a claim to a method carried out by the system of claim 4. Therefore, claim 13 is rejected for the reasons set forth for claim 4.

Referring to claim 14,

Claim 14 is a claim to a method carried out by the system of claim 5. Therefore, claim 14 is rejected for the reasons set forth for claim 5.

Referring to claims 20 and 21,

Claims 20 and 21 are claims to an apparatus carried out by the method of claim 11. Therefore, claims 20 and 21 are rejected for the reasons set forth for claim 11.

Referring to claim 22,

Claims 22 is a claim to an apparatus carried out by the method of claim 3. Therefore, claim 22 is rejected for the reasons set forth for claim 3.

Referring to claim 23,

Claims 23 is a claim to an apparatus carried out by the method of claim 5. Therefore, claim 23 is rejected for the reasons set forth for claim 5.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

Art Unit: 2154

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan A. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashok B. Patel/

Primary Examiner, Art Unit 2154